

**Meeting Summary**  
**Utah Water Quality Standards Workgroup**  
**September 17, 2012**

See supporting materials at <http://www.waterquality.utah.gov/WQS/workgroup/index.htm#wqsmtgs>

Attendance

Name	Affiliation
Chris Bittner	DWQ
Jeff Ostermiller	DWQ
Theron Miller	JRFBWQC
Jeremy Jarnecke	BLM
Leah Ann Lamb	DWQ
Jeff Salt	GSL Keeper
Lisa Kirschner	Parsons Behle & Latimer
Leland Myers	CSDS
Don Leonard	GSL Brine Shrimp Cooperative
Ben Holcomb	DWQ
Lareina Guenzel (phone)	USEPA
Dave Moon (phone)	USEPA
Tina Laidlaw (phone)	USEPA

**Updates:** (0:00 on recording) Chris Bittner explained that DWQ was still in the process of responding to comments on the Great Salt Lake Water Quality Strategy and expected to have comment responses complete in October 2012. Lisa Kirschner asked if the workgroup would be given an update when the responses were complete. Mr Bittner agreed to present the comment responses to the workgroup.

Jeff Ostermiller updated the group that the proposed 401 Certification rules were being reviewed by the Utah Attorney General. Although these rules are not anticipated to be promulgated as Standards, the Standards Workgroup will be asked to review the proposed rules.

The next workgroup meeting was rescheduled for Monday, December 10, 2012 at 9:00.

**Action Item: DWQ to brief the workgroup on the response to comments for the Great Salt Lake Water Quality Strategy.**

**USEPA Updates.** (4:50 on recording) Lareina Guenzel presented upcoming and recent changes with USEPA standards (see presentation). The e.coli. guidance deadline was extended and is now expected to be complete in November 2012 as final guidance. The USEPA is close to completing a revision of the ammonia criteria that will result in more stringent concentrations based on the sensitivity of mussels and snails. If these organisms are not present in the receiving waters, the criteria can be recalculated. USEPA is also drafting.

The draft-for-comment selenium criteria is anticipated in 2013. The criteria is based on a concentration of selenium in fish ovaries. Default water column translators are anticipated to be included.

USEPA is developing ecoregion specific, aquatic life chloride and conductivity criteria. The first ecoregion considered is the Appalachian.

USEPA has completed the criteria for carbaryl. USEPA is considering updating criteria for Al, Cd, tricolosan, sulfate, and pyrethroids.

Jeff Ostermiller asked EPA for information on how to integrate how monitoring data is collected versus the intervals specified in the criteria. Lareina acknowledged that this was a challenge and USEPA is considering the magnitude and duration parameters for criteria which may help address this issue.

**Biological Standard** (20:00 on recording). Ben Holcomb explained that the Utah Attorney General has reservations regarding the wording on Clause R317-2-7.3E.:

E. The Division will not publish any causes of biological degradation until a thorough evaluation of potential causes, including habitat degradation, has been conducted.

DWQ proposed to delete this clause and requested feedback on alternative language. Theron Miller recommended that the Use Attainability Factors, CFR 40.110(g) be referenced. The group discussed where and how to include these factors. DWQ agreed to ensure that these factors were applicable to the proposed Biological Standard. Jeff Ostermiller noted that the Biological Standard would necessitate other Standards changes because of inclusion of the 40.110(g) factors such as tiered aquatic life uses, but the Biological Standard itself could be adopted prior to completion of the supporting changes.

Leland Myers registered a strong objection to the definition of biological integrity.

“Biological integrity” means the capacity of a water body to support and maintain a balanced, integrated, adaptive community of organisms that has species composition, diversity, and functional organization comparable to that of the natural habitat of the region.

Specifically, Mr. Meyers disagreed with that the comparison value should be based on natural conditions. Many of Utah waters are heavily altered and managed for various reasons and these systems could be healthy ecosystems, albeit unnatural ones. Mr. Meyers proposed that the appropriate comparison was to supporting the uses. The group discussed and agreed that in the context of the Clean Water Act, protecting the use was the requirement. Jeff Salt expressed concern that with this approach, along with the proposed tiered aquatic life uses, that waters would be written off as unsalvageable. The group agreed that the rule should be limited to the requirements of the Clean Water Act which would not prevent a water from being restored to support a higher use.

Mr. Ostermiller proposed that DWQ re-draft the proposed Biological Standard, distribute to the workgroup by the end of the week, and the workgroup provide comments back to DWQ within two more weeks. The workgroup agreed. Once the workgroup agrees on the language, Mr. Holcomb will vet with the subworkgroup.

**Action Item: DWQ to revise biocriteria language in accordance with the discussions at this meeting and distribute to the workgroup with comments due back by October 12, 2012.**

**Variations:** (1:00 on recording) Tina Laidlaw and Dave Moon presented an overview of the Variations. This stimulated discussions of how variations might be applied to nutrient criteria. Mr. Meyers expressed the opinion that the variations did not appear to be useful because they were temporary and could be changed every 3 years. POTW's could invoke the economic hardship exception but the serviced community would object to the cost increases well below the costs to trigger the exception. Mr. Moon pointed out that the one of the reasons for temporary was that the availability of new technologies that may result in POTW's being able to meet the criteria. Jeff Ostermiller asked for good examples of variance policies approved by USEPA.

**Action Item: USEPA to provide examples of variance policies.**

**Adjourn:** The next meeting was rescheduled for Monday December 10, 2012 at 9:00 AM. Meeting schedules will be posted on the Standards Workgroup website.